

House File 2355

H-8230

1 Amend the amendment, H-8225, to House File 2355, as follows:

2 1. By striking page 1, line 3, through page 3, line 1, and
3 inserting:

4 <<DIVISION I

5 UNEMPLOYMENT INSURANCE

6 Section 1. Section 96.2, Code 2022, is amended to read as
7 follows:

8 **96.2 Guide for interpretation.**

9 As a guide to the interpretation and application of this
10 chapter, the public policy of this state is declared to be as
11 follows: Economic insecurity due to unemployment ~~is a serious~~
12 ~~menace to~~ negatively impacts the health, morals, and welfare
13 of the people of this state Iowa. ~~Involuntary unemployment~~
14 ~~is therefore a subject of general interest and concern which~~
15 ~~requires appropriate action by the legislature to prevent~~
16 ~~its spread and to lighten its burden which now so often~~
17 ~~falls with crushing force upon the unemployed worker and the~~
18 ~~worker's family. The achievement of social security requires~~
19 ~~protection against this greatest hazard of our economic~~
20 ~~life. This can be provided~~ These undesirable consequences can
21 be reduced by encouraging employers to provide more stable
22 employment and by the systematic accumulation of funds during
23 periods of employment to provide benefits for periods of
24 unemployment, ~~thus maintaining purchasing power and limiting~~
25 ~~the serious social consequences of poor relief assistance.~~
26 ~~The legislature, therefore, declares that in its considered~~
27 ~~judgment the public good and the general welfare of the~~
28 ~~citizens of this state require the enactment of this measure,~~
29 ~~under the police powers of the state, for the compulsory~~
30 ~~setting aside of unemployment reserves to be used for the~~
31 ~~benefit of persons.~~ This chapter provides for payment of
32 benefits to workers unemployed through no fault of their own.
33 The policy herein is intended to encourage stabilization in
34 employment, to provide for integrated employment and training
35 services in support of state economic development programs, and

1 to provide meaningful job training and employment opportunities
2 for the unemployed, underemployed, economically disadvantaged,
3 dislocated workers, and others with substantial barriers to
4 employment. To further this public policy, the state, through
5 its department of workforce development, will maintain close
6 coordination among all federal, state, and local agencies
7 whose missions affect the employment or employability of the
8 unemployed and underemployed.

9 Sec. _____. Section 96.3, subsection 5, paragraph a, Code
10 2022, is amended to read as follows:

11 *a. Duration of benefits.* The maximum total amount of
12 benefits payable to an eligible individual during a benefit
13 year shall not exceed the total of the wage credits accrued to
14 the individual's account during the individual's base period,
15 or ~~twenty-six~~ sixteen times the individual's weekly benefit
16 amount, whichever is the lesser. The director shall maintain
17 a separate account for each individual who earns wages in
18 insured work. The director shall compute wage credits for
19 each individual by crediting the individual's account with
20 one-third of the wages for insured work paid to the individual
21 during the individual's base period. However, the director
22 shall recompute wage credits for an individual who is laid
23 off due to the individual's employer going out of business at
24 the factory, establishment, or other premises at which the
25 individual was last employed, by crediting the individual's
26 account with one-half, instead of one-third, of the wages for
27 insured work paid to the individual during the individual's
28 base period. Benefits paid to an eligible individual shall
29 be charged against the base period wage credits in the
30 individual's account which have not been previously charged,
31 in the inverse chronological order as the wages on which the
32 wage credits are based were paid. However if the state "off"
33 indicator is in effect and if the individual is laid off due to
34 the individual's employer going out of business at the factory,
35 establishment, or other premises at which the individual was

1 last employed, the maximum benefits payable shall be extended
2 to ~~thirty-nine~~ twenty-six times the individual's weekly benefit
3 amount, but not to exceed the total of the wage credits accrued
4 to the individual's account.>>

5 2. By striking page 3, line 3, through page 5, line 29, and
6 inserting:

7 <<Sec. _____. Section 96.5, subsection 2, Code 2022, is
8 amended by adding the following new paragraph:

9 NEW PARAGRAPH. *d.* For the purposes of this subsection,
10 "*misconduct*" means a deliberate act or omission by an
11 employee that constitutes a material breach of the duties
12 and obligations arising out of the employee's contract of
13 employment. Misconduct is limited to conduct evincing such
14 willful or wanton disregard of an employer's interest as
15 is found in deliberate violation or disregard of standards
16 of behavior which the employer has the right to expect of
17 employees, or in carelessness or negligence of such degree of
18 recurrence as to manifest equal culpability, wrongful intent
19 or evil design, or to show an intentional and substantial
20 disregard of the employer's interests or of the employee's
21 duties and obligations to the employer. Misconduct by an
22 individual includes but is not limited to all of the following:

23 (1) Material falsification of the individual's employment
24 application.

25 (2) Knowing violation of a reasonable and uniformly
26 enforced rule of an employer.

27 (3) Intentional damage of an employer's property.

28 (4) Consumption of alcohol, illegal or nonprescribed
29 prescription drugs, or an impairing substance in a manner
30 not directed by the manufacturer, or a combination of such
31 substances, on the employer's premises in violation of the
32 employer's employment policies.

33 (5) Reporting to work under the influence of alcohol,
34 illegal or nonprescribed prescription drugs, or an impairing
35 substance in an off-label manner, or a combination of such

1 substances, on the employer's premises in violation of the
2 employer's employment policies, unless the individual is
3 compelled to work by the employer outside of scheduled or
4 on-call working hours.

5 (6) Conduct that substantially and unjustifiably endangers
6 the personal safety of coworkers or the general public.

7 (7) Incarceration for an act for which one could reasonably
8 expect to be incarcerated that results in missing work.

9 (8) Incarceration as a result of a misdemeanor or felony
10 conviction by a court of competent jurisdiction.

11 (9) Excessive unexcused tardiness or absenteeism.

12 (10) Falsification of any work-related report, task, or job
13 that could expose the employer or coworkers to legal liability
14 or sanction for violation of health or safety laws.

15 (11) Failure to maintain any license, registration, or
16 certification that is reasonably required by the employer or
17 by law, or that is a functional requirement to perform the
18 individual's regular job duties, unless the failure is not
19 within the control of the individual.

20 (12) Conduct that is libelous or slanderous toward an
21 employer or an employee of the employer if such conduct is not
22 protected under state or federal law.

23 (13) Theft of an employer or coworker's funds or property.

24 (14) Intentional misrepresentation of time worked or work
25 carried out that results in the individual receiving unearned
26 wages or unearned benefits.

27 Sec. _____. Section 96.5, subsection 3, paragraph a,
28 subparagraph (1), subparagraph divisions (a), (b), (c), and
29 (d), Code 2022, are amended to read as follows:

30 (a) One hundred percent, if the work is offered during the
31 first ~~five weeks~~ week of unemployment.

32 (b) ~~Seventy-five~~ Ninety percent, if the work is offered
33 during the ~~sixth~~ second through the ~~twelfth~~ third week of
34 unemployment.

35 (c) ~~Seventy~~ Eighty percent, if the work is offered during

1 the ~~thirteenth~~ fourth through the ~~eighteenth~~ fifth week of
2 unemployment.

3 (d) ~~Sixty-five~~ Seventy percent, if the work is offered
4 ~~after~~ during the ~~eighteenth~~ sixth through the eighth week of
5 unemployment.

6 Sec. _____. Section 96.5, subsection 3, paragraph a,
7 subparagraph (1), Code 2022, is amended by adding the following
8 new subparagraph division:

9 NEW SUBPARAGRAPH DIVISION. (e) Sixty percent, if the work
10 is offered after the eighth week of unemployment.

11 Sec. _____. Section 96.6, subsection 3, paragraph b, Code
12 2022, is amended to read as follows:

13 b. Appeals from the initial determination shall be heard
14 by an administrative law judge employed by the department.
15 An administrative law judge's decision may be appealed by
16 any party to the employment appeal board created in section
17 10A.601. ~~The decision of the appeal board is final agency~~
18 ~~action and an appeal of the decision shall be made~~ or directly
19 to the district court.>>

20 3. By renumbering as necessary.

BOUSSELOT of Polk